

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

Hearing Date/Agenda Number

CC. 06/07/05

Item

11.10

File Number

C05-033

Application Type

Conforming Conventional Rezoning

Council District

3

SNI

Washington

Planning Area

Central

Assessor's Parcel Number(s)

434-05-057

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Lee Butler

Location: South side of Willow Street, approximately 100 feet easterly of Palm Street

Gross Acreage: 0.12

Net Acreage: 0.12

Net Density: 8.3 DU/AC

Existing Zoning: CN Commercial Neighborhood

Existing Uses: Vacant

Proposed Zoning: R-2 Two-Family Residence

Proposed Use: One single-family detached residential unit

### GENERAL PLAN

Completed by: FLB

Existing Land Use/Transportation Diagram Designations

Medium Density Residential (8-16 dwelling units per acre)

Project Conformance:

☒ Yes ☐ No

☒ See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: FLB

North: Church

CN Commercial Neighborhood

East: Vacant

CP Commercial Pedestrian

South: Single-family residence

R-2 Two Family Residence

West: Single-family residence

CP Commercial Pedestrian

### ENVIRONMENTAL STATUS

Completed by: FLB

☒ Use of San Jose 2020 General Plan EIR

☐ Negative Declaration circulated on

☐ Negative Declaration adopted on

☐ Exempt

☐ Environmental Review Incomplete

### FILE HISTORY

Completed by: FLB

Annexation Title: Original City

Date: 3/27/1850

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Recommend Approval

☐ Recommend Approval with Conditions

☐ Recommend Denial

Date 5-18-05

Approved by:

*Jean Hamrick*

### OWNER

Silicon Valley Habitat for Humanity  
Attn: Robert Freiri  
888 N. 1<sup>st</sup> St., Ste. 302  
San Jose, CA 95112

### ARCHITECT

Anderson Brule Architects  
Attn: Monique Wood  
325 S. 1<sup>st</sup> St., 4<sup>th</sup> Floor  
San Jose, CA 95113

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**PUBLIC AGENCY COMMENTS RECEIVED**

Completed by: FLB

Memorandum to City Council from Housing Department regarding Disposition and Development Agreement for the subject site

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Other Departments and Agencies

None

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**GENERAL CORRESPONDENCE**

None

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The applicant, Silicon Valley Habitat for Humanity, has filed a Conventional Rezoning to change the Zoning on the subject property from CP Commercial Pedestrian to R-2 Two Family Residence. The subject 0.12 gross acre site, located on south side of Willow Street, approximately 100 feet easterly of Palm Street, is currently vacant. The applicant ultimately intends to place one single-family residence at the site. On December 12, 2003, the City Council approved a Disposition and Development Agreement with the applicant and the Housing Department to allow one single-family residence at the subject site.

It is relatively flat and rectangular in shape with approximately 40 feet of frontage on Willow Street. The site is adjacent to a vacant lot to the east with residential apartments beyond the vacant lot. To the west and south, the site is bordered by single-family residences. The Sacred Heart church and private school are across Willow Street to the north. The site is located within the Willow Street Neighborhood Business District.

**ENVIRONMENTAL REVIEW**

The environmental impacts of this project were addressed by use of a Final EIR entitled, "San Jose 2020 General Plan," and findings were adopted by City Council Resolution No. 65459 on August 16, 1994.

**GENERAL PLAN CONFORMANCE**

The site has a General Plan Land Use/Transportation Diagram designation of Medium Density Residential (8-16 du/ac). Both a single-family and a two-family residence is a permitted use in the R-2 Two-Family Residence Zoning District. The proposed change to R-2 Two Family Residence Zoning District is consistent with the General Plan Land Use/Transportation Diagram designation of Medium Density Residential (8-16 du/ac) in that a two-family residence on the minimum lot size of 5445 square feet in an R-2 zoning district is a density of 16 lu/ac.

## **ANALYSIS**

The proposed rezoning to R-2 Two Family Residence Zoning District would facilitate development of the property in accordance with the approved Disposition and Development Agreement. Under the current CP Commercial Pedestrian Zoning Designation, a single-family residence would not be a permitted use. Under the proposed R-2 Two-Family Residence Zoning District, a single-family residence would be permitted as-of-right. Assuming that the proposed single-family residence does not trigger the requirements for a Single-Family House Permit (greater than 30' in height, more than two stories, or greater than 0.45 floor-area ratio), no additional Planning Permits would be required. Only Building Permits would be required. To comply with the approved Disposition and Development Agreement, the site must be rezoned.

### ***Implications of the Proposed Rezoning***

Should the City Council choose to approve the proposed rezoning, a single-family residence would be a permitted use on the site and compliance with the approved Disposition and Development Agreement would be facilitated.

If the City Council denies the proposed rezoning, conformance with the approved Disposition and Development Agreement could only be achieved through a live/work use or mixed use development with ground floor commercial and residential above. Discretionary Planning Permits would be required for either a live/work or mixed-use proposal.

## **COMMUNITY OUTREACH**

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site. Planning Staff has been available to discuss the proposal with members of the public. Additionally, prior to the City Council public hearing, an electronic version of the staff report was made available online, accessible from the City Council agenda, on the City's website.

## **RECOMMENDATION**

Planning staff recommends approval of the proposed zoning for the following reasons:

1. The proposed rezoning to R-2 conforms with the General Plan Land Use/Transportation Diagram designation of Medium Density Residential (8-16 du/ac).
2. The proposed rezoning will facilitate development of this site that is compatible with the surrounding uses, that conforms to the approved Disposition and Development Agreement, and that is consistent with the General Plan Land Use/Transportation Diagram designation of Medium Density Residential.

Attachments



**CITY OF SAN JOSE**  
**SAN JOSE 2020 GENERAL PLAN FINAL EIR**  
**USE OF A PROGRAM EIR**

Pursuant to Section 15168 of the CEQA Guidelines, the City of San Jose has determined that the project described below is pursuant to, or in furtherance, of the Final Environmental Impact Report (EIR) for the San Jose 2020 General Plan and does not involve new significant effects and mitigation measures beyond those analyzed in this Final EIR. Therefore, the City of San Jose may take action on the project as being within the scope of the Final EIR.

***Project File No., Description and Location:***

**C05-033.** Conforming Rezoning from CP District to R-1-8 District for residential uses on a 0.12 gross acre site on the south side of Willow Street, approximately 100 feet easterly of Palm Street.

**Council District:** 3

**County Assessor's Parcel Number:** 434-05-057

The environmental impacts of this project were addressed by a Final EIR entitled, "San Jose 2020 General Plan," and findings were adopted by City Council Resolution No. 65459 on August 16, 1994. The Program EIR was prepared for the comprehensive update and revision of all elements of the City of San Jose General Plan, including an extension of the planning timeframe to the year 2020. The City Council determined the following impacts were adequately considered by the EIR:

Traffic and Circulation  
Cultural Resources  
Urban Services  
Energy  
Open Space  
Vegetation and Wildlife

Soils and Geology  
Hazardous Materials  
Air Quality  
Facilities and Services  
Schools

Noise  
Land Use  
Aesthetics  
Water Quality/Resources  
Drainage and Flooding

The City of San Jose may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this proposed project, and no new mitigation measures would be required beyond those contained in the General Plan and Final EIR pursuant to CEQA Guidelines 15162.

Lee Butler  
Project Manager

Stephen M. Haase, AICP, Director  
Planning, Building and Code Enforcement

May 13, 2005  
Date

Jean Hamilton  
Deputy

# Zoning Districts Surrounding the Subject Site for C05-033



★ = Subject Site, APN: 434-05-057



City of San Jose  
Department of Planning, Building and Code Enforcement  
Map Printed on May 13, 2005